

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DESIREE M. NORWOOD, :
Petitioner, :
vs. :
UNITED STATES OF AMERICA, :
Respondent. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court, with the exception of Footnote 3, found therein¹. It is **ORDERED** that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 is denied. It is further **ORDERED** that Petitioner is not entitled to a certificate of appealability.

DONE and ORDERED this 13th day of March, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE

¹ Footnote 3 of the Report and Recommendation refers to the “Statement of Reasons” entry which says that “the sentence is within an advisory guideline range that is not greater than twenty-four months...”, and describes this statement as a discrepancy given the sentence imposed. The court finds that this statement is not a discrepancy, because it refers to number of months spanned in the difference between the low end and high end of the guideline range, and not to the range itself. Title 18 U.S.C. § 3553(c)(1) requires the court to specify the reasons for imposing a sentence at a particular point in the range, if that range exceeds 24 months. See *U.S. v. Mansur-Ramos*, 348 F. 3d 29, 30 (1st Cir. 2003).